



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Great Plains Regional Office  
115 Fourth Avenue S.E., Suite 400  
Aberdeen, South Dakota 57401

IN REPLY REFER TO:

DESCRM

MC-208

AUG 23 2012

## MEMORANDUM

TO: Superintendent, Fort Berthold Agency

FROM: <sup>ACTING</sup> Regional Director, Great Plains Region

SUBJECT: Environmental Assessment Addendum and Finding of No Significant Impact

In compliance with the regulations of the National Environmental Policy Act (NEPA) of 1969, as amended, an Environmental Assessment Addendum has been completed and a Finding of No Significant Impact (FONSI) has been issued. The Addendum authorizes land use for an alternate Right-Of-Way to the George Evans #11-2H multi-well pad site, on the Fort Berthold Indian Reservation.

All the necessary requirements of the National Environmental Policy Act have been completed. Attached for your files is a copy of the Addendum, FONSI and Notice of Availability. The Council on Environmental Quality (CEQ) regulations require that there be a public notice of availability of the (40 C.F.R. Section 1506.6(b)). Please post the attached notice of availability at the Agency and Tribal buildings for 30 days.

If you have any questions, please call Marilyn Bercier, Regional Environmental Scientist, Division of Environment, Safety and Cultural Resources Management, at (605) 226-7656.

Attachment

cc: Tex Hall, Chairman, Three Affiliated Tribes (with attachment)  
Elgin Crows Breast, Tribal Historic Preservation Officer (with attachment)  
Derek Enderud, BLM, Bureau of Land Management (with attachment)  
Ryan Krapp, SWCA (with attachment)  
Carson Hood/Fred Fox, MHA Energy (with attachment)  
Jonathon Shelman, Corps of Engineers (e-mail)  
Jeff Hunt, Fort Berthold Agency (e-mail)

*Finding of No Significant Impact*

*WPX Energy Williston, LLC*

*Addendum to Environmental Assessment to Authorize  
Alternate Right-Of-Way to George Evans #11-2H Multi-Well Pad Site*

*Fort Berthold Indian Reservation  
Mountrail County, North Dakota*


The U.S. Bureau of Indian Affairs (BIA) has received a proposal to authorize land use to establish an alternate right-of-way (ROW) leading to the established George Evans 11-2H multi-well pad on the Fort Berthold Reservation. The George Evans #11-2H Multi-Well Pad Site is located on the SW¼ of the SE¼ of Section 11, Township 150 North, Range 92 West, Mountrail County. Associated federal actions by BIA include determinations of impacts and effects regarding environmental resources for developments on tribal lands.

The potential of the proposed actions to impact the human environment is analyzed in the attached addendum to an existing EA, as required by the National Environmental Policy Act. Based on the recently completed addendum to the EA, I have determined that the proposed project will not significantly affect the quality of the human environment. No Environmental Impact Statement is required for any portion of the proposed activities.

This determination is based on the following factors:

1. Agency and public involvement solicited for the preceding NEPA document was sufficient to ascertain potential environmental concerns associated with the currently proposed project.
2. Protective and prudent measures were designed to minimize impacts to air, water, soil, vegetation, wetlands, wildlife, public safety, water resources, and cultural resources. The remaining potential for impacts was disclosed for both the proposed actions and the No Action alternative.
3. Guidance from the U.S. Fish and Wildlife Service has been fully considered regarding wildlife impacts, particularly in regard to threatened or endangered species. This guidance includes the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.), the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d, 54 Stat. 250), Executive Order 13186 "Responsibilities of Federal Agencies to Protect Migratory Birds", and the Endangered Species Act (16 U.S.C. 1531 et seq.).
4. The proposed actions are designed to avoid adverse effects to historic, archaeological, cultural and traditional properties, sites and practices. Compliance with the procedures of the National Historic Preservation Act is complete.
5. Environmental justice was fully considered.
6. Cumulative effects to the environment are either mitigated or minimal.
7. No regulatory requirements have been waived or require compensatory mitigation measures.
8. The proposed projects will improve the socio-economic condition of the affected Indian community.

  
\_\_\_\_\_  
ACTING Regional Director

  
\_\_\_\_\_  
Date

# **Notice of Availability and Appeal Rights**

WPX Energy: Alternate Right-Of-Way to George Evans #11-2H Multi-Well Pad Site

The Bureau of Indian Affairs (BIA) is planning to issue administrative approvals related an Alternate Right-Of-Way to George Evans #11-2H Multi-Well Pad Site on the Berthold Reservation as shown on the attached map. Construction by WPX Energy is expected to begin in 2012.

An environmental assessment (EA) determined that proposed activities will not cause significant impacts to the human environment. An environmental impact statement is not required. Contact Earl Silk, Superintendent at 701-627-6570 for more information and/or copies of the EA and the Finding of No Significant Impact (FONSI).

The FONSI is only a finding on environmental impacts – it is not a decision to proceed with an action and *cannot* be appealed. BIA's decision to proceed with administrative actions *can* be appealed until September 21, 2012, by contacting:

United States Department of the Interior  
Office of Hearings and Appeals  
Interior Board of Indian Appeals  
801 N. Quincy Street, Suite 300, Arlington, Va 22203.

Procedural details are available from the BIA Fort Berthold Agency at 701-627-6570.

# Project locations.

\\jobs\3841 - 3860\3848 - George Evans\Cad\SURVEY\3848.George Evans-SP-Cert.dwg 8/1/2012 8:16:45 AM CDT

PROJECT NO. 3848  
FIELD CREW: PETERSON/CALSON  
DATE: 7/17/12  
REVISIONS: 8/1/12 Additional ROW Area  
TRACT: 399A-C

▲ = SECTION CORNERS LOCATED  
△ = SECTION CORNERS RE-ESTABLISHED  
(Not Set on Ground)  
North Dakota State Plane (not ground)



*Kurt M. Kisch*  
Kurt M. Kisch Registered Land Surveyor  
Registration No. 4597  
State of North Dakota

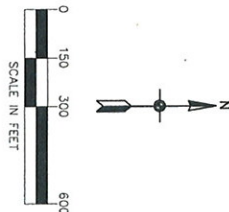
**Carlson**  
**McCain**  
ENGINEERING  
248 South D. St., Suite 100, Lincoln, NE 68504  
Phone: 781-489-7900 Fax: 781-489-7959

**CERTIFICATE**  
I hereby certify that this plat correctly represents work performed by me or under my direct supervision and is true and correct to the best of my knowledge and belief.  
Date: 7/19/12

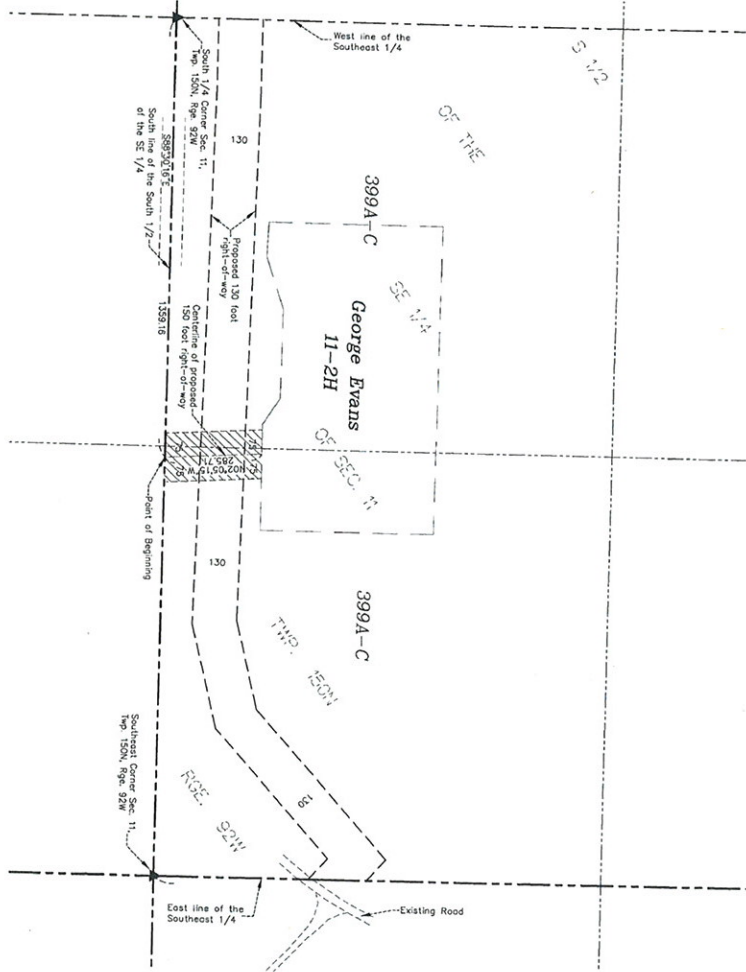
Additional right-of-way area = 0.98 acres  
Centerline length of 150 foot right-of-way = 285.71 feet or 0.05 miles

Proposed right-of-way area = 8.40 acres  
Additional right-of-way area = 0.98 acres

**RIGHT-OF-WAY DESCRIPTION**  
Road, Pipeline, Utility, Fiber Optic, and above ground Appurtenances.  
A 150.00 foot wide right-of-way for Road, Pipeline, Utility, Fiber Optic, and above ground Appurtenances purposes lying over, under and across the South Half of the Southeast Quarter of Section 11, Township 150N, Range 92W, the centerline of said right-of-way to be described as follows:  
Commencing at the Southwest Corner of said Section 11; thence on an assumed bearing of South 88 degrees 30 minutes 16 seconds East along the south line of said south half, 1359.16 feet to the point of beginning of the centerline to be described; thence North 02 degrees 03 minutes 15 seconds West, 285.71 feet to the south line of the existing pod and said centerline there terminating.  
Sidelines of said right-of-way shall be prolonged or shortened to meet the south line of the existing pod and grantor's property lines.



**PARCEL DESCRIPTION**  
PID No: 399A-C  
The South Half of the Southeast Quarter of Section 11, Township 150N, Range 92W of Mountrail County, North Dakota.



**ENVIRONMENTAL ASSESSMENT**  
**Addendum**

**United States Bureau of Indian Affairs**

**Great Plains Regional Office  
Aberdeen, South Dakota**



**WPX Energy Williston, LLC**

**Addendum to Environmental Assessment to Authorize  
Alternate Right-Of-Way to George Evans #11-2H Multi-Well Pad Site**

**Fort Berthold Indian Reservation**

**August 2012**

**For information contact:  
Bureau of Indian Affairs, Great Plains Regional Office  
Division of Environment, Safety and Cultural Resources Management  
115 4th Avenue SE, Aberdeen, South Dakota 57401  
(605) 226-7656**

## Table of Contents

1.0	Purpose and Need of Action.....	1
2.0	Authorities.....	1
3.0	Legal Land Descriptions of Proposed Action.....	1
4.0	Scope of Work for Proposed Action.....	1
5.0	Resources Surveys .....	2
6.0	Mitigation .....	3
7.0	Applicable National Environmental Policy Act (NEPA) Document(s).....	3
8.0	Other Relevant Documentation .....	3
9.0	NEPA Adequacy Criteria.....	3

## Appendices

### Appendix A

Original Plats, Drawings, and Diagrams for the George Evans Well Pad and ROW

### Appendix B

Revised Plats, Drawings, and Diagrams for the Alternate ROW to George Evans Well Pad

## **1.0 Purpose and Need of Action**

WPX Energy Williston, LLC (WPX), formerly Dakota-3 E&P Company, LLC, is proposing to establish an alternate right-of-way (ROW) leading to the established George Evans 11-2H multi-well pad on the Fort Berthold Indian Reservation to assist in developing the commercial potential of natural resources. This development has been proposed on land held in trust by the United States in Mountrail County, North Dakota. The Bureau of Indian Affairs (BIA) is the surface management agency for potentially affected tribal lands and individual allotments. The BIA also holds title to subsurface mineral rights. The economic development of available resources and associated BIA actions are consistent with BIA's general mission. Leasing and development of mineral resources offers substantial economic benefits to the Three Affiliated Tribes of the Mandan, Hidatsa, and Arikara Nations, and to individual tribal members.

The purpose of the proposed action is to authorize WPX Energy Williston, LLC to establish an alternate 286-foot length of Energy Corridor to the George Evans 11-2H well pad. The original access road, as built, has proven to be insufficient to moving a drilling rig on and/or off the site due to the steep grade and location of facilities currently erected on the pad. Additionally the gathering pipeline system which is part of the Van Hook Gathering System (VHGS) will be rerouted to be collocated with the newly proposed ROW.

## **2.0 Authorities**

Oil and gas exploration and development activities are conducted under authority of the Indian Mineral Leasing Act of 1938 (25 United States Code [USC] 396a, et seq.), the Indian Mineral Development Act of 1982 (25 USC 2101, et seq.), and the Energy Policy Act of 2005 (42 USC 15801, et seq.).

## **3.0 Legal Land Descriptions of Proposed Action**

The George Evans #11-2H Multi-Well Pad Site is located on the SW¼ of the SE¼ of Section 11, Township 150 North, Range 92 West, Mountrail County.

## **4.0 Scope of Work for Proposed Action**

WPX proposes to establish an alternate 150-foot wide ROW to the George Evans 11-2H well pad. The new proposed ROW will include the new access road and all pipelines and utilities originally planned to be installed as stated in the original environmental assessment. The pipelines and utilities will tie-in to the VHGS at the intersection of the ROW's. The new alternate ROW will be approximately 0.98 total acres, although only approximately 0.54 acres of additional surface disturbance will occur beyond the recently disturbed construction area of the VHGS. The original approved and built access road entering the west side of the pad will be removed and the area reclaimed once the new access is built. The establishment of the new Energy Corridor will result in a net reduction in surfaced use area for the George Evans well site.

## 5.0 Resources Surveys

Carlson McCain, Inc. (Carlson McCain) performed the natural resource evaluation. Metcalf Archaeological Consultants, Inc. (MAC) performed the cultural resource survey. The proposed alternate ROW was "soft" staked and evaluated to determine potential effects on cultural and natural (i.e., biological and physical) resources such as topography, natural drainage and erosion control, location of topsoil and subsoil stockpiles, flora, fauna, and wildlife habitat. Site-specific mitigation measures were discussed at the on-site visit with BIA Natural Resource Specialists, MHA Game and Fish and MHA Energy and incorporated into the final project design to minimize impacts to evaluated resources, as discussed below.

### 5.1 Natural Resource Survey

The natural resource survey was conducted on July 17, 2012, by biologist Ryan Krapp at the EA onsite visit. Small amounts of gently sloping invaded native prairie will be disturbed for construction activities. Smooth brome grass (*Bromus inermis*) dominates the BIA 6 road ditch. Kentucky bluegrass (*Poa pratensis*) and snowberry (*Symphoricarpos occidentalis*) were common across the area. Other common forbs found include goat's beard (*Aruncus dioicus*), fringe sage (*Artemisia frigida*), and prairie rose (*Rosa arkansana*).

A ground survey for cliff, tree, and ground raptor nests was conducted within ½ mile line-of-sight of the proposed project during the onsite evaluation. No raptor nests were observed during the onsite survey. The area was also reviewed to identify the presence of migratory bird species as well as nests located within the disturbance area. No nests or birds were observed during the survey, likely due in some part to weather conditions at the time of the survey. If the surface will be disturbed during the nesting season (February 1–July 15), surveys for migratory birds (including raptors) and nests will be conducted within five days of construction. Threatened and Endangered Species effects determinations do not differ than what was made in the original environmental assessment.

### 5.2 Cultural Resource Surveys

Matt Kinsey of Metcalf was present at the July 17, 2012 EA onsite meeting for the WPX George Evans 11-2H Access Road and Pipeline Reroute. The area was previously surveyed by SWCA and subsequently not resurveyed by MAC personnel (Cooper, 2011 and Moret-Ferguson et al., 2011). The George Evans inventory area had one recorded stone cairn site, 32MN898, which has been fenced off. The site is >300 feet from the new ROW and will not be disturbed by construction activity.

If cultural resources are discovered during construction or operation, the operator shall immediately stop work, secure the affected site, and notify the BIA and THPO. Unexpected or inadvertent discoveries of cultural resources or human remains trigger mandatory federal procedures that include work stoppage and BIA consultation with all appropriate parties. Following any such discovery, operations will not resume without written authorization from the BIA. Project personnel are prohibited from collecting any artifacts or disturbing



cultural resources in the area under any circumstances. Individuals outside the right-of-way are trespassing. No laws, regulations, or other requirements have been waived.

## **6.0 Mitigation**

The original natural resource considerations, mitigation and commitments outlined in the original EA were discussed at the onsite evaluation and will be adhered to. Additional specific mitigation actions include utilizing all standard BMPs, such as installing silt fences and erosion fabric, mats or logs on slopes; construction of ditches and/or water bars on steep slopes; and seeding, planting, and mulching and mixing during interim reclamation will be carried out. Removal and final reclamation of the original constructed access ROW will occur as soon as the alternate access is ready for use. Indefinite monitoring of seeding success and weed species control and maintenance will occur to maintain environmental protections. Additional raptor and migratory bird nesting surveys will be conducted five days prior to construction if surface disturbance activities are proposed between February 1 and July 15.

## **7.0 Applicable National Environmental Policy Act (NEPA) Document(s)**

*Environmental Assessment: Dakota – 3 E&P Company, LLC, D-3 George Evans #11-2H Multi-Well Pad Site and John Evans #11-23H Dual-Well Pad Site* (November, 2011); *Finding of No Significant Impact: Dakota – 3 E&P Company, LLC, D-3 George Evans #11-2H Multi-Well Pad Site and John Evans #11-23H Dual-Well Pad Site* (November 22, 2011).

## **8.0 Other Relevant Documentation**

Cooper, Judith. 2011(a). *A Class I and Class III Cultural Resources Inventory of the George Evans #11-2H Well Pad and Utility Corridor, Fort Berthold Indian Reservation, Mountrail County, North Dakota*. Submitted by SWCA Environmental Consultants to the BIA Great Plains Regional Office, October 6, 2011.

Celia Moret-Ferguson, Damien S. Reinhart, Chandler S. Herson, and Angela Meno. 2011. *A Class I and Class III Cultural Resource Inventory for the Central Van Hook Gathering System, Fort Berthold Indian Reservation, Mountrail County, North Dakota*. SWCA Environmental Consultants, Bismarck. Report submittal to BIA: November 14, 2011.

## **9.0 NEPA Adequacy Criteria**

This document has identified a previously prepared NEPA document, *Environmental Assessment: Dakota – 3 E&P Company, LLC, D-3 George Evans #11-2H Multi-Well Pad Site and John Evans #11-23H Dual-Well Pad Site* (November, 2011), which adequately describes the environmental consequences of the newly proposed action described herein, and meets the following NEPA Adequacy Criteria.

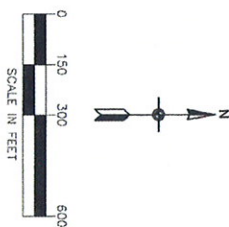
1. The proposed action is substantially the same action and at the site specifically analyzed in the existing NEPA document.
2. The range of alternatives is reasonable with respect to the current proposed action in the existing NEPA document, which appropriately considers and analyzes current environmental concerns, interests, and resource values.
3. The existing analysis and conclusions are adequate in the existing NEPA document. The analysis is still valid in light of new studies or resource assessment information.
4. The methodology and analytical approach used in the existing NEPA document continues to be appropriate for the proposed action.
5. The direct and indirect impacts of the proposed action are unchanged from those identified in the existing NEPA document.
6. The cumulative impacts that would result from implementation of the proposed action are unchanged from those analyzed in the existing NEPA document.
7. A 30-day comment period involving public input and interagency review was used in the development of the existing NEPA document.

**APPENDIX A**  
**Original Plats, Drawings, and Diagrams for the**  
**George Evans Well Pad and ROW**

# ~ WPX ENERGY WILLISTON, LLC ~ Van Hook Gathering System

## PARCEL DESCRIPTION

PID No: 399A-C  
The South Half of the Southeast Quarter of  
Section 11, Township 150N, Range 92W  
Mountain County, North Dakota.



## Road, Pipeline, Utility, Fiber Optic, and above ground Appurtenances, RIGHT-OF-WAY DESCRIPTION

A 150.00 foot wide right-of-way for Road, Pipeline, Utility, Fiber Optic, and above ground appurtenances purposes lying over, under and across the South Half of the Southeast Quarter of Section 11, Township 150N, Range 92W, the centerline of said right-of-way to be described as follows:

Commencing at the Southwest Corner of said Section 11; thence on an assumed bearing of South 88 degrees 30 minutes 16 seconds East along the south line of said south half, 1359.16 feet to the point of beginning of the centerline to be described; thence North 02 degrees 03 minutes 13 seconds West, 285.71 feet to the south line of the existing pod and said centerline there terminating.

Sidelines of said right-of-way shall be prolonged or shortened to meet the south line of the existing pod and grantor's property lines.

Additional right-of-way area = 0.98 acres  
Centerline length of 150 foot right-of-way = 285.71 feet or 0.05 miles



## CERTIFICATE

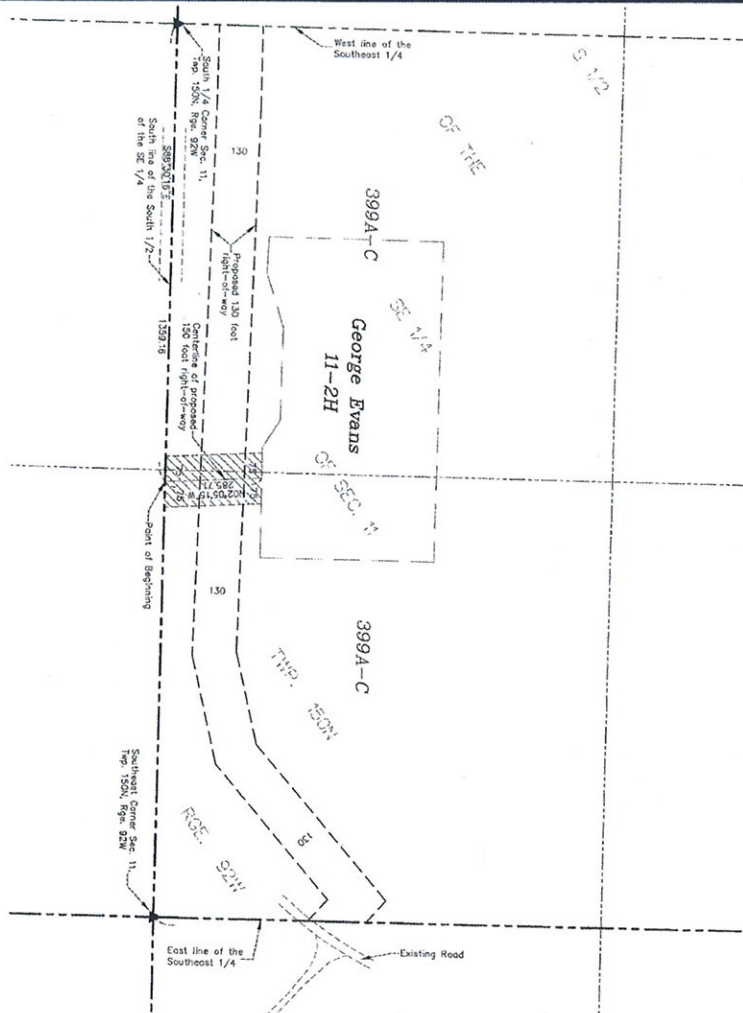
I hereby certify that this plot correctly represents work performed by me or under my direct supervision and is true and correct to the best of my knowledge and belief.  
Date: 7/19/12

*Kurt M. Kisch*  
Kurt M. Kisch Registered Land Surveyor  
Registration No. 4597  
State of North Dakota

**Carlson**  
**McCain**  
248 Apple Dr., Suite 100, Two Lakes, MN 55014  
Phone: 763-482-7900 Fax: 763-482-7999



▲ = SECTION CORNERS LOCATED  
△ = SECTION CORNERS RE-ESTABLISHED  
(Not Set on Ground)  
North Dakota State Plane (at ground)



PROJECT NO. 3948  
FIELD CREW: PETERSON/DAWSON  
DATE: 7/17/12  
REVISIONS: 8/1/12 Adjusted ROW Area  
TRACT: 399A-C

Sec. 11

LINE	BEARING	LENGTH
L1	N22°43'07"E	229.92'
L2	N101°19'17"E	62.46'
L3	N101°19'17"E	216.11'
L4	N88°59'58"E	50.00'

NOTE:  
ALL DESIGNED STORM WATER  
PIPES ARE SIZED TO MEET A  
MINIMUM 25 YEAR FLOOD EVENT.  
NOTE:  
BEGINNING STA. 0+00 BEARS  
N88°29'17"E 542.84' FROM THE  
SOUTH 1/4 CORNER OF SECTION  
11, T150N, R92W, 5th P.M.  
END STA. 2+492.48 BEARS  
N88°29'17"E 704.17' FROM THE  
SOUTH 1/4 CORNER OF SECTION  
11, T150N, R92W, 5th P.M.

1/16 Section Line

PAD, ROAD, PIPELINE, UTILITY, FIBER OPTIC  
& ABOVE GROUND APPURTENANCES  
RIGHT-OF-WAY DESCRIPTION  
A 130' WIDE RIGHT-OF-WAY 65' ON EACH SIDE OF THE  
FOLLOWING DESCRIBED CENTERLINE:  
BEGINNING AT A POINT IN THE SW 1/4 SE 1/4 OF  
SECTION 11, T150N, R92W, 5th P.M., WHICH BEARS  
N88°29'17"E 542.84' FROM THE SOUTH 1/4 CORNER OF  
SAID SECTION 11, THENCE N22°43'07"E 229.92'; THENCE  
N101°19'17"E 62.46' TO A POINT IN THE SW 1/4 SE 1/4  
OF SAID SECTION 11, WHICH BEARS N88°59'58"E 50.00'  
FROM THE SOUTH 1/4 CORNER OF SAID SECTION 11,  
THENCE S88°59'58"E 50.00' TO THE POINT OF BEGINNING,  
BEING SHORTERED OR ELONGATED TO MEET THE  
GRANTOR'S PROPERTY LINES. BASIS OF BEARINGS IS A  
C.P.S. OBSERVATION. CONTAINS 0.873 ACRES MORE OR  
LESS.

1/4 Section Line

SE 1/4

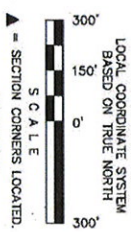
1/16 Section Line

Section Line

N001°05'58"W - 2639.42' (Meas.)

RIGHT-OF-WAY LENGTHS			
PROPERTY OWNER	FEET	ACRES	RODS
399A-C	292.38	0.873	17.72

DAKOTA-3 E&P COMPANY, LLC  
PAD, ROAD, PIPELINE, UTILITY,  
FIBER OPTIC, & ABOVE GROUND  
APPURTENANCES RIGHT-OF-WAY  
ON TRIBAL LANDS  
(For GEORGE EVANS #11-2HC, #11-2HD,  
#11-2HZ, #11V MONITORING WELL, #14-23HC,  
#14-23HD & #14-23HZ)  
LOCATED IN  
SECTION 11, T150N, R92W, 5th P.M.,  
MOUNTAIN COUNTY, NORTH DAKOTA



CERTIFICATE

I HEREBY CERTIFY THAT THE PLAT CORRECTLY REPRESENTS THE WORK  
OF THE SURVEYOR AND THAT THE PLAT IS A TRUE AND CORRECT COPY OF THE  
FIELD NOTES AND RECORDS OF THE SURVEY.



REGISTERED LAND SURVEYOR  
STATE OF NORTH DAKOTA

REVISED: 11-18-11  
REVISION: 09-13-11

UTAH ENGINEERING & LAND SURVEYING  
85 SOUTH • 200 EAST • (435) 789-1017  
VERNAL, UTAH - 84078

SCALE	1" = 300'	DATE	08-23-11
PARTY	C.R. D.F. D.P.	REFERENCES	G.L.O. PLAT
WEATHER	80° CLEAR	FILE	51012

**APPENDIX B**  
**Revised Plats, Drawings, and Diagrams for the**  
**Alternate ROW to George Evans Well Pad**



WPX ENERGY WILLISTON, LLC  
Van Hook Gathering System

Road, Pipeline, Utility, Fiber Optic and above ground Appurtenances  
RIGHT-OF-WAY

Sections: S1/2 SE 1/4, Section 11, Twp. 150N, Rge. 92W

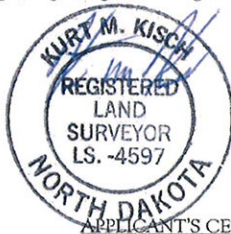
TOTAL RIGHT-OF-WAY ON TRIBAL LANDS

Total length of RIGHT-OF-WAY is 285.71 feet or 0.05 miles. Width of RIGHT-OF-WAY is 150.00 feet (75.00 feet perpendicular on each side of centerline unless otherwise shown). Contains 0.98 acres more or less.

ENGINEER'S AFFIDAVIT

STATE OF MINNESOTA )  
 ) SS  
COUNTY OF ANOKA )

Kurt M. Kisch, Being first duly sworn deposes and states that he is the Registered Land Surveyor for WPX ENERGY WILLISTON, LLC, That these surveys were made by him (or under his direct supervision): That he has examined the field notes of the surveys of the RIGHT-OF-WAY as described and shown on this map, That this map was prepared under his direction from said field notes; and that said RIGHT-OF-WAY, 0.05 miles in length, beginning and ending as shown on this map is accurately represented.



*Kurt M. Kisch*  
Kurt M. Kisch  
REGISTERED LAND SURVEYOR  
REGISTRATION NO. L.S. -4597  
STATE OF NORTH DAKOTA

APPLICANT'S CERTIFICATE

I, \_\_\_\_\_, Do hereby certify that I am the agent for DAKOTA WPX ENERGY WILLISTON, LLC, hereinafter designated the applicant; that Kurt M. Kisch who subscribed to the foregoing affidavit, is employed by the applicant as a Land Surveyor and that he was directed by the applicant to survey the location of this RIGHT-OF-WAY, 0.05 miles in length, that said RIGHT-OF-WAY are accurately represented on this map; that such survey as represented on this map has been adopted by the applicant as the definite location of the RIGHT-OF-WAY thereby shown; and that the map has been prepared to be filed with the Secretary of Interior or his duly appointed representative as part of the application for said RIGHT-OF-WAY to be granted the applicant, its successors and assigns, with the right to construct, maintain, and repair improvements, thereon and thereover, for such purposes, and with the further right in the applicant, its successors and assigns to transfer this RIGHT-OF-WAY by assignment, grant, or otherwise.

\_\_\_\_\_  
APPLICANT

\_\_\_\_\_  
TITLE



ENVIRONMENTAL • ENGINEERING • LAND SURVEYING

WPX ENERGY WILLISTON, LLC  
Van Hook Gathering System

Road, Pipeline, Utility, Fiber Optic and above ground Appurtenances  
RIGHT-OF-WAY

Tract #399A-C

Sections: S1/2 SE 1/4, Section 11, Twp. 150N, Rge. 92W

RIGHT-OF-WAY Description:

A 150.00 foot wide right-of-way for Road, Pipeline, Utility, Fiber Optic, and above ground Appurtenance purposes lying over, under and across the South Half of the Southeast Quarter of Section 11, Township 150N, Range 92W, the centerline of said right-of-way to be described as follows:

Commencing at the Southwest Corner of said Section 11; thence on an assumed bearing of South 88 degrees 30 minutes 16 seconds East along the south line of said south half, 1359.16 feet to the point of beginning of the centerline to be described; thence North 02 degrees 05 minutes 15 seconds West, 285.71 feet to the south line of the existing pad and said centerline there terminating.

Sidelines of said right-of-way shall be prolonged or shortened to meet the south line of the existing pad and grantor's property lines.

Tract #399A-C

248 Apollo Drive, Suite 100 • Lino Lakes, MN 55014 • Tel 763-489-7900 • Fax 763-489-7959 • [www.carlsonmccain.com](http://www.carlsonmccain.com)